



AGENDA REGULAR MEETING

CHOWCHILLA CITY COUNCIL

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

February 23, 2016

Items denoted with a ★ are Redevelopment Successor Agency items and will be acted upon by the Redevelopment Successor Agency Board. Agendas for all City Council/Redevelopment Successor Agency meetings are posted at least 72 hours prior to the meeting at the Civic Center, 130 S. Second St., Written communications from the public for the agenda must be received by Administrative Services no less than 7 days prior to the meeting date.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter. In addition, most documents will be posted on the city website at www.ci.Chowchilla.CA.US.

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 112 at least 4 days prior to the meeting.

CALL TO ORDER

ROLL CALL:

Mayor: Waseem Ahmed

Mayor Pro Tem: Mary Gaumnitz

Council: John Chavez, Dennis Haworth, Richard Walker

City staff and contract employees present at the meeting will be noted in the minutes

PUBLIC ADDRESS – CLOSED SESSION

This time is reserved for members of the audience to address the City Council on items listed on the closed session agenda only. It is recommended that speakers limit their comments to no more than 3 minutes each. Speakers are asked to please use the microphone and provide their name for the record. Any handouts should be provided to the City Clerk who will distribute them to the Council Board and appropriate staff.

CLOSED SESSION – 6:00 PM

This time has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Section 54957 (b)(1) 54957.6, and 54956.9(d) (2). Based on the advice of the City Attorney, discussion in open session concerning these matters would prejudice the position of the City in this litigation. The City Attorney will give an additional oral report regarding the Closed Session at the beginning of the next regular City Council Meeting.

1. Conference with Labor Negotiators, Gov. Code Section 54957.6

Negotiating Parties: All Bargaining Groups

2. Public Employee Performance Evaluation California Government Code Section 54957:

Title: City Administrator

In the event that not all the items on the closed session agenda have been deliberated in the time provided, the City Council may continue the closed session until the end of the regularly scheduled Council Meeting.

OPEN SESSION – 7:00 PM

PLEDGE OF ALLEGIANCE:**INVOCATION:** Mr. Hansen**CLOSED SESSION REPORT:****CEREMONIAL / PRESENTATIONS – Section 1**

1.1 Oath of Office – Joann McClendon

WORKSHOPS**PUBLIC ADDRESS**

This time is reserved for members of the audience to address the City Council on items of interest that are **not** on the Agenda and that are within the subject matter jurisdiction of the Council.

It is recommended that speakers limit their comments to **no more than 3 minutes** each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called.

The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Council does not respond to public comment at this time.

Speakers are asked to please **use the microphone and provide their name for the record**. Prior to addressing the Council, any handouts are to be provided to City Clerk who will distribute them to the Council and the appropriate staff.

COUNCIL AND STAFF REPORTS – Section 2**2.1 COUNCIL REPORTS**Legislative Items
Oral / Written Reports**2.2 STAFF REPORTS**

Written/Oral Reports

a) Mid-Year Budget PowerPoint Presentation (Pruett)

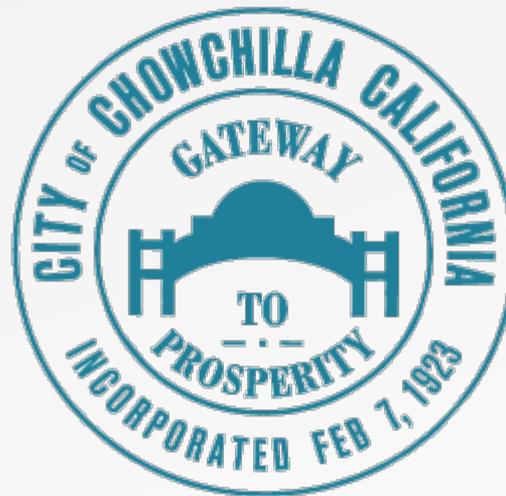
CONSENT CALENDAR – Section 3

All items listed under Consent Calendar are considered to be routine and will be enacted by one motion. For discussion of any Consent Item, it will be made a part of the Regular Agenda at the request of any member of the City Council or any person in the audience.

3.1 Approval of the February 9, 2016 Regular City Council Meeting Minutes (McClendon)**3.2 Approval of the February 9, 2016 Special City Council Meeting Minutes (McClendon)****3.3 Approval of the February 17, 2016 Special City Council Meeting Minutes (McClendon)****PUBLIC HEARINGS – Section 4****DEFERRED BUSINESS – Section 5**

Mid Year Review

Fiscal Year 2015-2016



**By Rod Pruett,
Finance Director**

General Fund

Fiscal Year 2015-2016

	Approved Budget	Projected
	FY 2015-2016	FY 2015-2016
Total Revenues and Transfers In	6,817,990	6,815,567
Total Expenditures and Transfers Out	(6,803,694)	(6,503,822)
Net Change in fund balance	14,296	311,745
Fund Balance Per FY 14/15 Audited Financial Statement		
Restricted Fund Balance	994,620	
Committed Fund Balance-Emergency Contingency	910,223	
Unassigned Fund Balance	148,896	
Total Fund Balance	2,053,739	
FY 14/15 Unassigned Fund Balance	148,896	
Projected FY 15/16 Surplus	311,745	
Projected FY 15/16 Unassigned Fund Balance	460,641	
Projected FY 15/16 Unappropriated Fund Balance	1,370,864	
Unappropriated Fund Balance- % of Expenses	21%	
GFOA Recommended amount of reserve-2 months expense	17%	

General Fund Summary

- **Revenues:** The approved budget and the projected revenues are very close. There are however some differences to note
 - **Sales Tax-** The city's #1 provider of sales tax is from Service Stations which are experiencing significant reductions due to the decline in gas prices. Projected sales tax revenue is roughly \$350,000 less than originally budgeted
 - **Property Taxes-** The State Controller's Office performed an audit of the County and discovered approximately \$350,000 owed to the city from prior years. This offsets the projected reduction in sales tax revenues
- **Expenses:** Expenses are projected to be significantly less than originally budgeted
 - **Salary Savings-** This Fiscal Year has seen a large number of vacancies across various departments within the General Fund.
 - **Amphitheater Cost-** There was a \$75,000 match budget for the Amphitheater but we are now receiving a donation that will cover the cost

Water Fund

Fiscal Year 2015-2016

	Approved Budget	Projected
	FY 2015-2016	FY 2015-2016
Total Revenues and Transfers In	2,376,200	1,941,933
Total Expenditures and Transfers Out	(2,234,397)	(1,600,372)
Net Change in fund balance	141,803	341,561
Fund Balance Per FY 14/15 Audited Financial Statement	<u>Accrual Basis</u>	<u>Cash Basis</u>
	5,933,585	118,138
FY 15/16 Projected Surplus	341,561	341,561
Total Projected Fund Balance	<u>6,275,146</u>	<u>459,699</u>
Fund Balance- % of Expenses		29%
GFOA Recommended amount of reserve-2 months expense		17%

Solid Waste

Fiscal Year 2015-2016

	Approved Budget	Projected
	FY 2015-2016	FY 2015-2016
Total Revenues and Transfers In	1,342,578	1,335,072
Total Expenditures and Transfers Out	(1,414,066)	(1,445,114)
Net Change in fund balance	(71,488)	(110,042)
Fund Balance Per FY 14/15 Audited Financial Statement	<u>Accrual Basis</u>	<u>Cash Basis</u>
	126,609	150,473
FY 15/16 Projected Surplus	(110,042)	(110,042)
Total Projected Fund Balance	16,567	40,431
Fund Balance- % of Expenses		3%
GFOA Recommended amount of reserve-2 months expense		17%

Sewer Fund

Fiscal Year 2015-2016

	Approved Budget	Projected
	FY 2015-2016	FY 2015-2016
Total Revenues and Transfers In	1,370,100	1,382,124
Total Expenditures and Transfers Out	(1,332,112)	(1,211,737)
Net Change in fund balance	37,988	170,387
Fund Balance Per FY 14/15 Audited Financial Statement	<u>Accrual Basis</u>	<u>Cash Basis</u>
	5,640,459	468,912
FY 15/16 Projected Surplus	170,387	170,387
Total Projected Fund Balance	<u>5,810,846</u>	<u>639,299</u>
Fund Balance- % of Expenses		53%
GFOA Recommended amount of reserve-2 months expense		17%

Storm Drain

Fiscal Year 2015-2016

	FY 2015-2016	FY 2015-2016
Total Revenues and Transfers In	96,050	96,481
Total Expenditures and Transfers Out	(132,242)	(121,046)
Net Change in fund balance	(36,192)	(24,565)
Fund Balance Per FY 14/15 Audited Financial Statement	<u>Accrual Basis</u>	<u>Cash Basis</u>
	335,112	108,361
FY 15/16 Projected Surplus	(24,565)	(24,565)
Total Projected Fund Balance	<u>310,547</u>	<u>83,796</u>
Fund Balance- % of Expenses		69%
GFOA Recommended amount of reserve-2 months expense		17%

Enterprise Funds Summary

- **Water:** The projected increase in surplus is mainly due to salary savings. The \$400,000 decrease in revenues is from the removal of Transfer Ins for the water tank project that is now potentially going to be included in the Johnson Controls projects.
- **Solid Waste:** An error was discovered in the rate the hauler was being paid. It resulted in \$36,000 owed since the beginning of the contract.

Enterprise Funds Summary (continued)

- **Sewer:** The projected increase in surplus is mainly due to salary savings and a decrease in projected system repairs. Revenues are on target.
- **Storm Drain:** Revenues and expenditures are pretty much on target with the original budget.
- **Overhead Allocations:** These will be re-evaluated before the FY 2016/2017 budget.

Mid Year Budget Review Assumptions

- **Personnel:** Current vacant positions budgeted
 - City Clerk- 4 months of salaries
 - Community/Economic Development Director
 - 3 months of salaries
- **Consultants:** Sources used to pay expenses
 - Quad Knopf- Planner & Admin Dep't Contingency
 - Townsend Public Affairs- Grant Analyst & CA Consulting
 - Interwest Engineering- Engineer I & Engineering Intern



**MINUTES
REGULAR MEETING
JOINT CHOWCHILLA CITY COUNCIL /
★ REDEVELOPMENT SUCCESSOR AGENCY**

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

February 9, 2016

CALL TO ORDER: 6:04 p.m.

The Mayor opened the Regular and Joint Meeting at the same time.

ROLL CALL:

Mayor/Chairman: Waseem Ahmed

Mayor Pro Tem/Vice Chair: Mary Gaumnitz

Council/Board Member: John Chavez (6:05 p.m.), Dennis Haworth, Richard Walker

City staff and contract employees present: City Administrator Brian Haddix, City Attorney David Ritchie, Police Chief Dave Riviere, Fire Chief Harry Turner, Engineer/Public Works Director Craig Locke, Finance Director Rod Pruett, Community Relations Manager Marty Piepenbrok, Interim City Clerk Joann McClendon.

PUBLIC ADDRESS – CLOSED SESSION

No one spoke.

CLOSED SESSION – 6:05 PM

1. **Public Employee Performance Evaluation California Government Code Section 54957:**
Title: City Attorney
2. **Conference with Labor Negotiators, Gov. Code Section 54957.6**
Negotiating Parties: All Bargaining Groups

The Mayor included the Special Meeting Closed Session Item at this time.

OPEN SESSION – 7:00 PM

PLEDGE OF ALLEGIANCE: Dave Riviere

INVOCATION: Richard Walker

CLOSED SESSION REPORT: No reportable action.

CEREMONIAL / PRESENTATIONS – Section 1

- 1.1 Oath of Office – Officer David Ochoa
- 1.2 Proclamation – Central California Women’s Facility Firefighters

WORKSHOPS

PUBLIC ADDRESS

No one spoke.

COUNCIL AND STAFF REPORTS – Section 2**2.1 COUNCIL REPORTS**

Legislative Items
Oral / Written Reports

2.2 STAFF REPORTS

Written/Oral Reports

City Administrator Haddix announced the special meeting scheduled for February 17, 2016 regarding CalTrans' proposed roundabout project for Chowchilla.

He also reported on and attended the League of California Cities City Manager Conference; met with Johnson Controls; Dollar Tree moving forward; JR Concrete coming into Chowchilla; reported on the in-fill activities; mid-year budget report coming to the next council meeting.

Community Relations Manager Piepnbrok reported that the "Let's Talk, Chowchilla" program at Starbucks, 8am on Tuesday February 16.

- A) Presentation of the Council Strategic Objectives Report 2015-2016 2nd Quarter– Information Only (Piepenbrok)

Finance Director Pruett gave an update on the Redevelopment Successor Agency ROPS reporting that the Department of Finance issued a fiscal year 2015/16-B payment.

Engineer/Public Works Director Locke updated council on the roundabouts project. He, Brian and Mayor Ahmed met with CalTrans; Madera County Transportation Commission also attended. The project may be phased into multiple steps.

CONSENT CALENDAR – Section 3

- 3.1 Approval of the January 26, 2015 Regular City Council Meeting Minutes (McClendon)**
- 3.2 Approval of General Payments for the Month of January 2016 (Pruett)**
- 3.3 Council Resolution # 18-16, Declaring the Burned Water Tender a Surplus Vehicle and Authorize Disposal to the Highest Salvage Bidder (Turner)**
- 3.4 Council Resolution # 19-16, Approving Annual Encroachment Permits on State Route 233 (Robertson Boulevard) and Authorizing the City Administrator to Approve the Permits on Behalf of the City Council (Locke)**

Motion by Council Member Haworth, seconded by Council Member Walker to approve the Consent Calendar as presented. Motion passed unanimously by roll call vote.

PUBLIC HEARINGS – Section 4

DEFERRED BUSINESS – Section 5**NEW BUSINESS – Section 6****6.1 Council Resolution # 20-16, Approve Contract With Quad Knopf for Planning and Environmental Services for the City of Chowchilla as Described in the Scope of Services within the Request for Qualifications, Authorizing the City Administrator to Execute all Related Documents Thereto (Haddix)**

Spoke:
Desmond Johnston

Motion by Council Member Walker, seconded by Council Member Haworth to Approve Council Resolution #20-16, Approving Contract With Quad Knopf for Planning and Environmental Services for the City of Chowchilla as Described in the Scope of Services Within the Request for Qualifications, Authorizing the City Administrator to Execute all Related Documents Thereto. Motion passed unanimously by roll call vote.

6.2 Council Resolution # 21-16, Authorizing Assignment of Beneficial Interest to Greenhills Holdings on Assessor's Parcel Number 022-250-053 to Guarantee Fulfillment of Settlement Agreement (Locke)

Spoke:
Larry Pistoresi, Jr.

Motion by Council Member Haworth, seconded by Mayor Pro Tem Gaumnitz to Approve Council Resolution #21-16, Authorizing Assignment of Beneficial Interest to Greenhills Holdings on Assessor's Parcel Number 022-250-053 to Guarantee Fulfillment of Settlement Agreement. Motion passed unanimously by roll call vote.

6.3 Authorization to Create an Ad Hoc Financial Advisory Committee (Haddix)

Motion by Council Member Walker, seconded by Council Member Haworth, to Authorize Formation of an Ad Hoc Financial Committee Regarding JCI Projects, and Appointment of Council Member Haworth and Mayor Pro Tem Gaumnitz to said Committee. Motion passed unanimously by roll call vote.

6.4 Consideration to Nominate City Staff to Participate as a Member of the San Joaquin Valley Water Infrastructure Authority Technical Advisory Committee (Locke)

Motion by Council Member Haworth, seconded by Council Member Walker to Authorize the City Administrator to Appoint a Staff Member to the San Joaquin Valley Water Infrastructure Authority Technical Advisory Committee. Motion passed unanimously by roll call vote.

ANNOUNCEMENTS – Section 7

Feb 13	Greenhills Lions Club Valentine's Dinner, Portuguese Hall, 6 PM
Feb 15	President's Day, City Offices Closed
Feb 17	Planning Commission Meeting, City Hall, 7 PM-CANCELLED
Feb 19	City Offices Closed
Feb 19	Winter Gymkhana, Chowchilla Fairgrounds 6 PM
Feb 23	City Council Meeting, City Hall, 7 PM
Feb 26	Edward Ray Day in Chowchilla, All Day

ADJOURNMENT

Motion by Council Member Walker, seconded by Council Member Haworth to adjourn the February 9, 2016 Regular and Special City Council/Redevelopment Successor Agency Meeting at 8:10 p.m. Motion passed unanimously by voice vote.

ATTEST:

APPROVED:

Joann McClendon, CMC
Interim City Clerk

Waseem Ahmed, Mayor



**MINUTES
SPECIAL MEETING
JOINT CHOWCHILLA CITY COUNCIL /
★ REDEVELOPMENT SUCCESSOR AGENCY**

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

February 9, 2016

CALL TO ORDER

ROLL CALL

Mayor/Chairman: Waseem Ahmed
Mayor Pro Tem/Vice Chair: Mary Gaumnitz
Council/Board Member: John Chavez (6:05 p.m.), Dennis Haworth, Richard Walker

City staff and contract employees present: City Administrator Brian Haddix, City Attorney David Ritchie, Police Chief Dave Riviere, Fire Chief Harry Turner, Engineer/Public Works Director Craig Locke, Finance Director Rod Pruett, Community Relations Manager Marty Piepenbrok, Interim City Clerk Joann McClendon.

CLOSED SESSION – 6:00 PM

- 1. Conference with Legal Counsel - Anticipated, Pursuant to Gov. Code Section 54956.9 (d)(2)**
Number of Cases: 1

This Special Closed Session Item was introduced along with the Regular Meeting Closed Session items.

ADJOURNMENT

Motion by Council Member Walker, seconded by Council Member Haworth to adjourn the February 9, 2016 Special and Regular Council/Redevelopment Successor Agency Meeting at 8:10 pm. Motion passed unanimously by voice vote.

ATTEST:

APPROVED:

Joann McClendon, CMC
Interim City Clerk

Waseem Ahmed, Mayor



**MINUTES
SPECIAL MEETING
CHOWCHILLA CITY COUNCIL**

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

February 17, 2016

CALL TO ORDER

ROLL CALL

Mayor: Waseem Ahmed

Mayor Pro Tem: Mary Gaumnitz

Council Member: John Chavez (ABSENT), Dennis Haworth, Richard Walker

City staff and contract employees present: City Administrator Brian Haddix, City Attorney Dave Ritchie, Fire Chief Harry Turner, Police Chief Dave Riviere, Engineer/Public Works Director Craig Locke, Finance Director Rod Pruett, Community Relations Manager Marty Piepenbrok, City Clerk Joann McClendon

OPEN SESSION – 6:04 PM

PLEDGE OF ALLEGIANCE: Waseem Ahmed

INVOCATION: Brian Mott

PUBLIC ADDRESS

None.

NEW BUSINESS – Section 1

1.1 Council Resolution # 22-16, Requesting Suspension Work on the Current Preferred Alternative for the Highway 99 / SR233 Roundabout Interchange Project (Locke)

Spoke:

Theron Roschen

Debbie Herzog

Emile Stagnaro

Nelson Waters

Ron Lawson

Susan House

Ron Seals

Matt Zimmer

Glen Pace

Motion by Council Member Walker, seconded by Council Member Haworth to Approve Council Resolution #22-16, Requesting Suspension on the Current Preferred Alternative for the Highway 99 / SR233 Roundabout Interchange Project, as amended. Motion passed unanimously by roll call vote with Council Member Chavez absent.

ADJOURNMENT

Motion by Council Member Walker, seconded by Council Member Haworth to adjourn the Special City Council Meeting of February 17, 2016 at 7:10 p.m. Motion passed unanimously by voice vote.

ATTEST:

APPROVED:

Joann McClendon, CMC
City Clerk

Waseem Ahmed, Mayor



REPORT TO THE CITY COUNCIL

Council Meeting of February 23, 2016

Agenda Section:	<u>New Business</u>
SUBJECT:	Consideration of a Resolution Approving Weed Abatement for 2016
Prepared By:	<u>Janene Hicks, Permit Technician</u>
Authorized By:	<u>Harry Turner, Fire Chief</u>
Approved By:	<u>Brian Haddix, City Administrator</u>

RECOMMENDATION:

Approve a Resolution declaring the existence of a public nuisance by virtue of certain weed growth per New Business minute order by roll call vote.

HISTORY / BACKGROUND:

The need for weed abatement is a seasonal and recurring nuisance, which poses a fire, safety, and public health risk. The accumulation of weed growth also has a negative visual effect to the public within the City limits, which is a priority goal of the City Council. The timeline and activity summary is included in your supplements. This notice of abatement will be public noticed over the next few weeks in the Chowchilla News.

This is an annual program of the City. The Chowchilla Municipal Code, Section 8.12 allows for the authority of this activity.

This program in the past has been shown to help expedite the removal of weeds, which in turn reduces the fire and safety hazards due to their uncontrolled growth and gives Chowchilla and its neighbors a more appealing landscape. Community Pride is a City Council goal.

FINANCIAL IMPACT:

Initial costs for abatement of non-compliant properties incurred through planned budget expenditures. Unpaid abatement costs will be recorded and a lien placed on such properties.

ATTACHMENTS:

Weed Abatement Timeline
Resolution

Community & Economic Development Department Weed Abatement Timeline 2016

2/23/16	Council – Resolution per CMC Section 8.12 – Declaring Weeds a Public Nuisance
2/24/16	Send Council Resolution to Newspaper for Advertising
2/24/16	Abatement Declaration Advertised for 2 weeks 3/2 and 3/9 (Resolution needs to be submitted Thursday before 10:00 am to be published in the following weeks newspaper)
3/2/16	Start of Creating Violation List
4/14/16	Owners of Record Notified by LETTERS VIA MAIL
5/9/16	Properties to be abated by MAY 9 – Cutoff date
*4/28/16 5/3/16	Non-Compliant PROPERTIES POSTED
*5/4/16	PUBLIC HEARING NOTICE & RFP PUBLISHED IN MAY 4th EDITION of Chowchilla News
*5/24/16	Public Protest Hearing to Council – Authorization to Abate
*5/24/16	City Council to approve cost of bid from contractor
*5/26/16	Coordinate ABATEMENT WITH CONTRACTOR
*5/30/16 6/15/16	PROPERTY ABATEMENT in progress to be complete by JUNE 15 th
*6/22/16	LIST OF ABATED PROPERTIES TO FINANCE FOR BILLING
8/1/16	LIENS CREATED

***Note:** These dates are tentative due to weather and time restraints in processing. The dates may vary as much as 30 days.

COUNCIL RESOLUTION # -16

**A RESOLUTION OF THE CITY COUNCIL OF CITY OF CHOWCHILLA, CALIFORNIA
DECLARING THE EXISTENCE OF A PUBLIC NUISANCE BY VIRTUE OF CERTAIN WEED
GROWTH**

WHEREAS, the Chowchilla Municipal Code, Section 8.12, determines that certain weeds growing upon the streets or sidewalks or upon or in front of private property within the City, which bear seeds or windy or downy nature of attain such large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and any thereafter be abated; and

WHEREAS, it is the desire of the City Council to effect timely removal of all weeds so described through the City's Weed Abatement Program, and in manner provided by law; and

WHEREAS, if abatement does not occur during time frame prescribed, the City may choose to follow Chowchilla Municipal Code Section 8.12 lien process and/or seek Administrative fines per Ordinance 444-08.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Chowchilla hereby declares that certain weeds, as determined by the Code Enforcement Official, constitute that a public nuisance exists and the Exhibit "A" time line schedule for 2015 is attached.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 23rd day of February, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk



REPORT TO THE CITY COUNCIL

Council Meeting of February 23, 2016

Agenda Section: New Business

SUBJECT: **Adoption of the City of Chowchilla Transit Services Drug and Alcohol Testing Policy**

Prepared By: D. Martin Piepenbrok, Community Relations Manager

Approved By: Brian Haddix, City Administrator

RECOMMENDATION:

The recommendation is to approve the City of Chowchilla Transit Services Drug and Alcohol Policy.

HISTORY / BACKGROUND:

Since the City of Chowchilla provides transit services utilizing, in part, City employees to provide some driver and mechanic duties, Caltrans requires that the City adopt a Transit Services Drug and Alcohol Policy. This policy must mirror the policy language established by the United States Department of Transportation that specifies the processes that must be adhered to by any agency providing and level of public transit services.

The City's transit service contractor, VIA Adventures/Merced Transportation Company, has adopted a similar policy that applies to their employees. The City Council does not have to approve that company policy and it is provided solely as reference that the company has an approved policy in place as required by the USDOT. However, since a City employee performs bus driver duties two days a week and a City employee performs maintenance on transit buses as needed, the City must have the same policy in place that applies those employees.

The City is also required to have this policy approved to be eligible to submit a application to Caltrans for funding through the Federal Transit Administration (FTA) 5311 program that provides operational monies for our local transit system. The policy must be approved and submitted to Caltrans through their online 5311 application process by March 15, 2016.

FINANCIAL IMPACT

Adoption of the policy is required to receive operational funding through the Federal Transit Administration (FTA) 5311 program

ATTACHMENTS

Resolution

Proposed City of Chowchilla Transit Services Drug and Alcohol Testing Policy

VIA Adventures/Merced Transportation Company Drug and Alcohol Testing Policy

COUNCIL RESOLUTION # -16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA CALIFORNIA,
TO ADOPT THE CITY OF CHOWCHILLA TRANSIT SERVICES DRUG AND ALCOHOL
TESTING POLICY**

WHEREAS, the City of Chowchilla operates a transit service; and

WHEREAS, the City of Chowchilla contracts with Merced Transportation Company to provide the day-to-day operations of the transit service; and

WHEREAS, select City of Chowchilla employees are directly involved with providing transit services in the capacities of driver and mechanic for the transit buses; and

WHEREAS, Caltrans and the United States Department of Transportation requires that every entity providing transit services, including third-party contractors, develop and adopt a Transit Services Drug and Alcohol Testing Policy for those employees directly involved with providing transit services with language that complies with the established Federal policy requirements; and

WHEREAS, the policy must be legislatively adopted before the City can submit an application to Caltrans for funding through the Federal Transit Administration (FTA) 5311 program; and

WHEREAS, the Merced Transportation Company adopts a policy that applies to their employees that is provided to Caltrans; and

WHEREAS, the City of Chowchilla has developed a policy that following adoption will be provided to Caltrans;

NOW, THEREFORE, LET IT BE RESOLVED that the City Council of the City of Chowchilla hereby approves and adopts the City of Chowchilla Transit Services Drug and Alcohol Testing Policy.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 23rd day of February, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk



CITY OF CHOWCHILLA TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY

(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

A. PURPOSE

- a. The City of Chowchilla (City) provides public transit and paratransit services for the residents of the City and unincorporated areas of Madera County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, the City of Chowchilla declares that the unlawful manufacture, distribution, dispenses, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- b. Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- c. Any provisions set forth in this policy that are included under the sole authority of the City of Chowchilla and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of the City will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety-sensitive duties. City of Chowchilla employees that do not perform safety-sensitive functions are also covered under this policy under the sole authority of the City. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Drivers License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Covered Employee Under Company Authority: An employee, applicant, or transferee that will not perform a safety-sensitive function as defined by FTA but is included under the company's own authority. (See Attachment A).



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT): For the purposes of Drug and Alcohol regulatory oversight, DOT is the department of the federal government which includes the Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, Federal Motor Carriers' Safety Administration, Pipeline & Hazardous Materials Safety Administration, United States Coast Guard, and the Office of the Secretary of Transportation.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an Department of Health & Human Services (HHS)-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted results cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOO): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS-Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opiates, amphetamines (including ecstasy), or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS-Certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

- 1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- 2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- 3) Maintaining a revenue service vehicle or equipment used in revenue service.
- 4) Controlling the movement of a revenue service vehicle, and
- 5) Carrying a firearm for security purposes.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC) or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC)) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- 1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- 2) Fails to remain at the testing site until the testing process is complete;
- 3) Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
- 4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
- 5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- 6) Fails or declines to take a second test the employer collector has directed you to take;
- 7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures;
- 8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
- 9) If the MRO reports that there is verified adulterated or substituted test result;
- 10) Failure or refusal to sign Step 2 of the alcohol testing form;
- 11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

- 12) Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
- 13) Admit to the collector or MRO that you adulterated or substituted the specimen.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

- a. Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended, In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- b. All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- a. Prohibited substances addressed by this policy include the following.
 - i. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA Authority be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), and phencyclidine as described in Section H of this policy. Employees covered under company authority will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- ii. Legal Drugs: The appropriate use of legally prescribed drugs and non-- prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning motor skills. or judgment may be adversely affected must be reported to a City of Chowchilla supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- iii. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random or reasonable suspicion alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under City of Chowchilla authority. a non-DOT alcohol test can be performed any time an employee is on duty.

F. PROHIBITED CONDUCT

- a. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- b. Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.
- c. The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- d. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- e. No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- f. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

- g. The City of Chowchilla under its own authority also prohibits the consumption of alcohol all times employee is on duty, or anytime the employee is in uniform.
- h. Consistent with the Drug-free Workplace Act of 1988, all City of Chowchilla employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the City of Chowchilla management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q.10 of this policy.

H. TESTING REQUIREMENTS

- a. Analytical urine drug testing and breath testing for alcohol will be conducted using the testing methodologies and thresholds defined in 49CFR part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- b. A drug test can be performed any time a covered employee is on duty. A reasonable suspicion and random alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. Under City of Chowchilla authority, a non-DOT alcohol test can be performed any time an employee is on duty.
- c. All employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with the City of Chowchilla. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- a. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- b. The drugs that will be tested for include marijuana, cocaine, opiates (including heroin), amphetamines (including methamphetamine and ecstasy), and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

- c. The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the City of Chowchilla Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.
- d. If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- e. Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The City of Chowchilla will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however, the City of Chowchilla will seek reimbursement for the split sample test from the employee.
- f. If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not available to analyze the MRO will direct [GRANTEE] to retest the employee under direct observation.
- g. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

h. Observed collections

- i. Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 1. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the City of Chowchilla that there was not an adequate medical explanation for the result;
 2. The MRO reports to the City of Chowchilla that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 3. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dl but less than or equal to 5 mg/dl, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see §40.197 (b)(1)).
 4. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 5. The temperature on the original specimen was out of range;
 6. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
 7. All follow-up-tests; or
 8. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

- a. Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- b. An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

- c. The City of Chowchilla affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- d. The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- a. All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - i. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
 - ii. An employee shall not be placed, transferred or promoted into a position covered under FTA or company authority until the employee takes a drug test with verified negative results.
 - iii. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be referred to a SAP. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
 - iv. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
 - v. If a pre-employment test is canceled, the City of Chowchilla will require the applicant to take and pass another pre-employment drug test.
 - vi. In instances where a FTA-covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

- vii. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- viii. Applicants are required (even if ultimately not hired) to provide the City of Chowchilla with signed written releases requesting FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. The City of Chowchilla is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide the City of Chowchilla proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- a. All City of Chowchilla FTA-covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under City of Chowchilla's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty. All employees covered under the sole authority of the City of Chowchilla will also be subject to non-- USDOT reasonable suspicion testing procedures modeled off the provisions in 49 CFR Part 40.
- b. The City of Chowchilla shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- c. A written record of the observations which led to a drug-alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the City of Chowchilla.
- d. When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

policy. The City of Chowchilla shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the City of Chowchilla. Since the employee self-referred to management testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

- a. FATAL ACCIDENTS - All employees covered under FTA authority will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident.
- b. NON-FATAL ACCIDENTS - A post-accident test of the operator will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operators performance can be completely discounted as a contributing factor to the accident.
 - i. As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
 - ii. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
 - iii. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
 - iv. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test maybe deemed to have refused to submit to testing.
 - v. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
 - vi. In the rare event that the City of Chowchilla is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

agency), the City of Chowchilla may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- a. All covered employees will be subjected to random, unannounced testing. Employees covered under FTA authority will be selected from a pool of DOT-covered safety-sensitive employees. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of employees.
- b. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- c. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.
- d. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- e. Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under City of Chowchilla authority.
- f. Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under City of Chowchilla's authority, a non-DOT random alcohol test may be performed any time the employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- g. Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

drug and alcohol-free and there are no undo concerns for public safety.

P. FOLLOW-UP TESTING

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- a. Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety sensitive position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety- sensitive job functions without the approval of the SAP and the employer.
- b. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- c. Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination and referral to an SAP. A test refusal includes the following circumstances:
 - i. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
 - ii. Fails to remain at the testing site until the testing process is complete;
 - iii. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
 - iv. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
 - v. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

- vi. Fails or declines to take a second test the employer or collector has directed you to take;
 - vii. Fails to undergo a medical examination or evaluation, as-directed-by- the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures;
 - viii. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
 - ix. If the MRO reports that there is verified adulterated or substituted test result;
 - x. Failure or refusal to sign Step 2 of the alcohol testing form;
 - xi. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
 - xii. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
 - xiii. Admit to the collector or MRO that you adulterated or substituted the specimen.
- d. For the first instance of a verified positive test from a sample submitted as the result of a random drug/alcohol test ≥ 0.04 BAC), disciplinary action against the employee shall include:
- i. Mandatory referral to Substance Abuse Professional for assessment. formulation of a treatment plan. and execution of a return to duty agreement;
 - ii. Failure to execute, or remain compliant with the return-to-duty Agreement shall result in termination from City of Chowchilla employment.
 - 1. Compliance with the return-to-duty agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and. the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
 - iii. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - iv. A periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from City of Chowchilla employment.
- e. The second instance of a verified positive drug or alcohol (> 0.04 BAC) test result including a sample-submitted under the random reasonable suspicion. return-to-duty, or follow-up drug/alcohol test provisions herein shall result in termination from City of Chowchilla employment.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

- f. A verified positive post-accident, or reasonable suspicion drug and/or alcohol (≥ 0.04) test shall result in termination.
- g. An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC
- h. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the prescribed treatment program. If the employee has insufficient accrued leave. The employee shall be placed on leave without pay until the employee has successfully completed the required treatment program and has been released to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.
- i. In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - i. Mandatory referral for an assessment by an employer approved counseling professional. Formulation of a treatment plan, and execution of a return to work agreement;
 - ii. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from City of Chowchilla employment.
 - 1. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work: the result of that test is negative: the employee is cooperating with his/her recommended treatment program: and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy: however. all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of the City of Chowchilla and will be performed using non-DOT testing forms.
 - iii. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.
 - iv. A self-referral or management referral to the employer's approved counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - v. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - vi. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with the City of Chowchilla.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

- vii. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- j. Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

The City of Chowchilla is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, Supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- a. Drug/alcohol testing records shall be maintained by the City of Chowchilla Drug and Alcohol Program Manager and except as provided below or by law; the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- b. The employee, upon written-request, is entitled to obtain copies of any, records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- c. Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- d. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- e. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the preceding.
- f. Records will be released to the National Transportation Safety Board for accident investigation.
- g. Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

- h. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- i. Records will be released if requested by a Federal, state or local safety agency with regulatory authority over the City of Chowchilla or the employee.
- j. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- k. In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This policy was adopted by the City Council of the City of Chowchilla on February 23, 2016.

WASEEM AHMED, MAYOR

DATE

ATTEST TO

DATE



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

ATTACHMENT A
CITY OF CHOWCHILLA POSITIONS

Job Title	Job Duties	Testing Authority
Transit Coordinator	Supervisor; vehicle operator	Federal Transit Administration
Transit Mechanic	Vehicle mechanic	Federal Transit Administration



CITY OF CHOWCHILLA
TRANSIT SERVICES DRUG AND ALCOHOL TESTING POLICY
(PURSUANT TO THE U.S. DEPARTMENT OF TRANSPORTATION)
Adopted February 23, 2016

ATTACHMENT B
CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

City of Chowchilla Drug and Alcohol Program Manager

Name: Joann McClendon

Title: City Clerk

Address: 130 S. Second Street, Chowchilla CA. 93610

Telephone Number: (559) 665-8615 ext. 112

Medical Review Officer

Name: P. Olkin, MD.

Title:

Address: 3302 Renner Dr. Fortuna, CA 95540

Telephone Number:

Substance Abuse Professional

Name: National Counseling Resource; Duncan MacPhearson, Executive Director

Title: Address: 8002 California Ave., Fair Oaks, CA 95628

Telephone Number: (916) 961-1010

HHS Certified Laboratory Primary Specimen

Name: Concentra Medical Services (National Account)

Address: Addison, TX 75001-4648

Telephone Number: (972) 387-0019

HHS Certified Laboratory Split Specimen

Name: Concentra Medical Services (National Account)

Address: Addison, TX 75001-4648

Telephone Number: (972) 387-0019

**ZERO TOLERANCE
DRUG AND ALCOHOL TESTING POLICY
VIA Adventures/Merced Transportation Company
Adopted as of January 14, 2015**

A. PURPOSE

- 1) VIA Adventures/Merced Transportation provides public transit and paratransit services for the residents of *Merced, Madera and Mariposa Counties*. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, VIA Adventures/Merced Transportation declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of VIA Adventures/Merced Transportation and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of VIA Adventures/Merced Transportation will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties VIA Adventures/Merced Transportation employees that do not perform safety-

9/2014

sensitive functions are also covered under this policy under the sole authority of VIA Adventures/Merced Transportation. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Drivers License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

9/2014

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Covered Employee Under Company Authority: An employee, applicant, or transferee that will not perform a safety-sensitive function as defined by FTA but is included under the company's own authority. (See Attachment A).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT): For the purposes of Drug and Alcohol regulatory oversight, DOT is the department of the federal government which includes the, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carriers' Safety Administration, Pipeline & Hazardous Materials Safety Administration, United States Coast Guard, and the Office of the Secretary of Transportation.

9/2014

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has

9/2014

appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opiates, amphetamines (including ecstasy), or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

9/2014

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse(ICRC) or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC)) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- (2) Fails to remain at the testing site until the testing process is complete
- (3) Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- (5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure

9/2014

- (6) Fails or declines to take a second test the employer or collector has directed you to take
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
- (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
- (9) If the MRO reports that there is verified adulterated or substituted test result
- (10) Failure or refusal to sign Step 2 of the alcohol testing form
- (11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- (13) Admit to the collector or MRO that you adulterated or substituted the specimen.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

9/2014

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), and phencyclidine as described in Section H of this policy. Employees covered under company authority will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus,

9/2014

covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a VIA Adventures/Merced Transportation supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random or reasonable suspicion alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under VIA Adventures/Merced Transportation authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while

9/2014

having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.

- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) VIA Adventures/Merced Transportation, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all VIA Adventures/Merced Transportation employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1988, all employees are required to notify the VIA Adventures/Merced Transportation management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49CFR part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up. All employees covered under company authority will also be subject to testing for reasonable suspicion, post-accident, random and return to duty/follow-up using non-DOT testing forms.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion and random alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function.

9/2014

Under VIA Adventures/Merced Transportation authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with VIA Adventures/Merced Transportation. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opiates (including heroin), amphetamines (including methamphetamine and ecstasy), and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an

9/2014

opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the VIA Adventures/Merced Transportation Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. VIA Adventures/Merced Transportation will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however VIA Adventures/Merced Transportation will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not available to analyze the MRO will direct VIA Adventures/Merced Transportation to retest the employee under direct observation.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by

9/2014

the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.

8) Observed collections

- a. Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to VIA Adventures/Merced Transportation that there was not an adequate medical explanation for the result;
 - ii. The MRO reports to VIA Adventures/Merced Transportation that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
 - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - v. The temperature on the original specimen was out of range;
 - vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
 - vii. All follow-up-tests; or
 - viii. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

9/2014

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) VIA Adventures/Merced Transportation affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

9/2014

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - b. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
 - c. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
 - d. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be referred to a Substance Abuse Professional. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
 - e. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
 - f. If a pre-employment test is canceled, VIA Adventures/Merced Transportation will require the applicant to take and pass another pre-employment drug test.
 - g. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
 - h. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

- i. Applicants are required (even if ultimately not hired) to provide *VIA Adventures/Merced Transportation* with signed written releases requesting FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. *VIA Adventures/Merced Transportation* is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide *VIA Adventures/Merced Transportation* proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All *VIA Adventures/Merced Transportation* FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under *VIA Adventures/Merced Transportation's* authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty. All employees covered under the sole authority of *VIA Adventures/Merced Transportation* will also be subject to non-USDOT reasonable suspicion testing procedures modeled off the provisions in 49 CFR Part 40.
- 2) *VIA Adventures/Merced Transportation* shall be responsible for transporting the employee to the testing site. Supervisors should avoid

9/2014

placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.

- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the VIA Adventures/Merced Transportation Company.

M. POST-ACCIDENT TESTING

- 1) FATAL ACCIDENTS - All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident.
- 2) NON-FATAL ACCIDENTS - A post-accident test of the operator will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.
 - a. As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
 - b. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours,

9/2014

attempts to conduct the test must cease and the reasons for the failure to test documented.

- c. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.
- d. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- e. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- f. In the rare event that VIA Adventures/Merced Transportation is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), VIA Adventures/Merced Transportation may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees

9/2014

subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.

- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under VIA Adventures/Merced Transportation authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under VIA Adventures/Merced Transportation's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

VIA Adventures/Merced Transportation will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed.

9/2014

Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undo concerns for public safety.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to a Substance Abuse Professional (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination and referral to an SAP. A test refusal includes the following circumstances:
 - a. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
 - b. Fails to remain at the testing site until the testing process is complete
 - c. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations

9/2014

- d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
 - e. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
 - f. Fails or declines to take a second test the employer or collector has directed you to take
 - g. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
 - h. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
 - i. If the MRO reports that there is verified adulterated or substituted test result
 - j. Failure or refusal to sign Step 2 of the alcohol testing form
 - k. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
 - l. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
 - m. Admit to the collector or MRO that you adulterated or substituted the specimen.
- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder or the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC.
- 5) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

VIA Adventures/Merced Transportation is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the VIA Adventures/Merced Transportation Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the preceding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of

competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over VIA Adventures/Merced Transportation or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the VIA Adventures/Merced Transportation Company on January 14, 2015.



Curtis Riggs, President
VIA Adventures/Merced Transportation Company

1/14/15
Date

Attachment A

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
General Manager	Control Movement/ Back Up Driver	FTA
Operations Manager	Control Movement/ Back Up Driver	FTA
Operations Supervisor	Control Movement/ Back Up Driver	FTA
Road Supervisor	Control Movement/ Back Up Driver	FTA
Travel Coordinator	Control Movement	FTA
Dispatcher	Control Movement	FTA
Maintenance/Bus Washer	Fuel & Clean Buses/ Move Buses	FTA
Mechanic	Repair Buses/ Move Buses	FTA
YARTS Driver	Drive YARTS Buses	FTA
CatTracks Driver	Drive CatTracks Buses	FTA
MCC Driver	Drive MCC Buses	FTA
CATX Driver	Drive CATX Buses	FTA
"The Bus" Driver	Drive "The Bus" Buses	FTA

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

VIA Adventures/Merced Transportation Drug and Alcohol Program Manager

Name: Lisa Gonzalo
Title: Director of Human Resources
Address: 300 Grogan Ave., Merced CA 95341
Telephone Number: (209) 384-1315 x212

Medical Review Officer

Name: Stuart B. Hoffman, MD, FACP
Title: Chief Medical Review Officer
Address: 480 Quadrangle Dr., Ste. D, Bolingbrook IL 60440
Telephone Number: (888) 794-6574

Substance Abuse Professional

Name: Melvin M. Beckwith, CADC, NCAC, SAP
Title: Central Valley Addiction Center
Address: 17 E. Main St./PO Box 726, Merced CA 95341
Telephone Number: (209) 722-8791

HHS Certified Laboratory Primary Specimen

Name: Medtox Laboratories, Inc.
Address: 402 W. County Rd-D, St. Paul MN 55112
Telephone Number: (615) 636-7466

HHS Certified Laboratory Split Specimen

Name: Medtox Laboratories, Inc.
Address: 402 W. County Rd-D, St. Paul MN 55112
Telephone Number: (615) 636-7466



REPORT TO THE CITY COUNCIL

Council Meeting of February 23, 2016

Agenda Section: New Business

SUBJECT: **Approval of the 2016-2017 Budget Calendar**

Prepared By: Sherri Dueker, Account Manager

Authorized By: Rod Pruett, Finance Director

Approved By: Brian Haddix, City Administrator

RECOMMENDATION:

Staff recommends that the City Council approves the 2016-2017 Budget Calendar presented in Attachment A.

HISTORY / BACKGROUND:

The City Administrator wishes to establish strategies regarding the preparation of City budget for the 2016-17 fiscal year. The budget calendar is a tool that supports responsible actions are taken with current economic resources and to establish a budget process that provides the Council and community with information about the exchange between revenues and services, in order to facilitate the creation of the final budget.

Specifically, the City Administrator is committed to:

- ✓ Providing the core services expected of a municipal government and to continue to provide quality services and facilities for the residents and businesses of the City of Chowchilla, while understanding that economic reality will require trade-offs between services and revenues.
- ✓ Managing the growth of City General Fund operating and capital expenditures.
- ✓ Understanding that delayed infrastructure maintenance threatens the health and safety of the community as well as its long-term economic prosperity.
- ✓ Maintaining a stable workforce while providing a fair, reasonable and competitive compensation plan for City employees.
- ✓ Continuously improving City government effectiveness and efficiency, and expects City staff to continue their focus on managing for results, and developing clear accountable metrics for all city programs and services.
- ✓ Achieving the vision and strategic goals, objectives, and initiatives as outlined in the City Council's Strategic Plan.

The Budget Calendar should provide sufficient time for City Administration and Staff, the City Council and the Community to deliberate on the various issues raised in the budget process given the budget's complexity and importance.

Attachment A provides the timeline recommended by Staff for the FY 2016/2017 budget approval process. This proposed timeline parallels the process and timeline used by the City in previous years. This schedule attempts to give Administration, Staff and the Council the maximum time possible to consider budgetary options, while ensuring that the Budget is approved in a timely manner.

FINANCIAL IMPACT:

There is no financial impact to adopting the Budget calendar.

ATTACHMENTS:

Attachment A: Budget Calendar

BUDGET CALENDAR



Budget Calendar

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
<ul style="list-style-type: none"> • Mid-Year Budget Review – Preliminary process begins • Department Heads submit a report to the Finance Director, where they are reviewed on a Department basis, with specific issues and opportunities in regards to mid-year Revenue & Expenditures 	<ul style="list-style-type: none"> • Mid-Year Review- Reviewed by City Administrator, finalized and presented to Council • Departments are working on their Fiscal Year-End estimates for both Revenue & Expenditure accounts, as well as their Operating & Capital budgets for the New Fiscal Year beginning July 1st • Departments review their portion of the Citywide Master Fee Schedule to determine if any revisions or new fees are necessary • Public participatory budget process begins 	<ul style="list-style-type: none"> • Department heads are given budget templates for input • Department heads begin to meet with the Finance Director to go through their budget submission in detail • Any Changes to the Department’s budget as a result of these meeting are incorporated into the draft budget • All requests for new resources are vetted very carefully against competing requests/priorities & for alignment with the strategic goals of the City by the City Administrator • Public participatory budget process continues- Town Hall meeting held 	<ul style="list-style-type: none"> • Finance Department begins the process of putting together the Budget Document • Any remaining budgetary issues or deficits are addressed through even more detailed analysis • Year-End Revenue and Expenditure estimates are addressed a final time, in great detail, to ensure that the most current level of activity is included in the proposed budget 	<ul style="list-style-type: none"> • Special Budget hearings are scheduled for mid to late May to Solicit Council input • At the public hearings, the budget is rolled out by the City Administrator and the Director of Finance & each Department presents their portion of the budget • The public has the opportunity to voice ideas, support and opposition to the Proposed Budget • The Proposed Budget can be revised in 2 ways before being adopted: <ol style="list-style-type: none"> 1. The City Administrator may propose an amendment to the Proposed Budget 1. If any City Council member makes a motion to add, alter, or remove appropriations for a particular budget or program 	<ul style="list-style-type: none"> • Any Council motions to revise the Proposed Budget are voted on • The budget is scheduled for adoption at a regular Council meeting • Other documents that are typically considered & adopted along with the Annual Budget are voted on • The City’s Budget must be adopted by June 30th each year • Once adopted the Proposed Budget becomes the Adopted Budget • The Adopted Budget is posted on the City website and sent to interested stake holders

City of *Chowchilla*



BUDGET PROCESS

BUDGET PREPARATION PROCESS

- The City of Chowchilla prepares a comprehensive line-item budget.
- The City's budget preparation process eclipses a six month window each year, beginning in January and typically ending in June.
- The following is a brief discussion about the process.



JANUARY

Every January, the City begins its mid-year budget review process, which covers the first six months of the fiscal year from July 1st through December 31st. Typically most attention is paid to major operating funds/departments, such as the General Fund, Public Safety, Sales Tax, Gas Tax, Property Tax, and Water, Sewer, Storm Drain and Solid Waste Enterprise funds; however other City funds with special circumstances may be reviewed in detail. The City's largest and most vital revenue sources are reviewed and compared to prior periods; sources such as property taxes, motor vehicle license fees, sales tax, and enterprise fund revenues. Economic factors, legislative changes, and local events are all considered and evaluated for their possible impact on the current year City budget.

The Mid-Year Review is a citywide process that starts with Department heads taking time to meet with their respective staff to review six months of their operations. They then submit a report to the Finance Director, where they are reviewed on an individual basis, with specific issues and opportunities in regards to mid-year revenue and expenditures. This review process is done in great detail at mid-year; however Department heads are kept up-to-date on the financial status of their operations on a monthly basis to avoid unanticipated surprises at year-end.

Possible actions that may be taken by the City Council at mid-year include:

- Contributing one-time or higher than anticipated revenue to the General Fund Reserve fund or other high priority use.
- Re-budgeting capital projects or requesting appropriations for unforeseen events.
- Identify budget shortfalls and options to mitigate them.





FEBRUARY

The Mid-Year review results are reviewed by the City Administrator and the Finance Director for accuracy and potential budget amendments, if necessary. The Mid-Year Review is then put into presentation format and presented to Council.

Each February, staff in individual City Departments are working on their fiscal year end estimates for both revenue and expenditure accounts for the Mid-Year Review process, as well as building their operating and capital budgets for the new fiscal year beginning July 1st. City department staff is also asked to review their portion of the Citywide Master Fee Schedule to determine if any revisions or new fees are necessary.

The public participatory budget process begins in February. Comment cards are sent out with the utility bills that enable and encourage the public to solicit their ideas, comments and suggestions that are relative to the annual budget. The results will be compiled with the public town hall budget meeting held in March and presented to Council for review at a budget workshop meeting in May.

MARCH

- The Finance Department provides each department with a budget template for their input.
- The templates provide departments with historical information regarding revenues and expenses for their department. This provides important historical data that helps with making budget projections.
- Department heads begin to meet with the Finance Director to go over their proposed budgets on a line item basis. Any changes to the department's budget as a result of these meetings are incorporated into the draft budget.
- All requests for new resources (i.e. staff, funding, etc.) are noted and will be vetted very carefully against competing requests/priorities and for alignment with the strategic goals of the City by the City Administrator.
- If needed, the City Administrator will request additional information in order to make an informed decision of whether to include the request in the Proposed Budget.
- Any proposed changes to departmental fees are usually taken to the City Council in March in order for staff to have ample time to include any new or revised revenue streams into the Proposed Budget. A public Town Hall meeting is held to continue with the public participatory budget process.



APRIL

- Typically, departmental meetings with the Finance Director are wrapping up in April, and the Finance Department begins the process of putting together the budget document.
- Any remaining budgetary issues or deficits are addressed through even more detailed analysis.
- Year-end revenue and expenditure estimates are addressed a final time, in great detail, to ensure that the most current level of activity is included in the Proposed Budget.

MAY

The Proposed City Budget is typically rolled out to the public and City Council in early May. Copies of the Proposed Budget are distributed to the community and placed on the City's website. Special budget hearings are scheduled for mid to late May, where the budget is rolled out by the City Administrator and Director of Finance, and each City department presents their portion of the budget. The budget presentations highlight department accomplishments from the past year, current status, plans, and requests for the next fiscal year. Due to the amount of information shared by staff, the budget hearings are typically scheduled as Special Meetings of the City Council to allow for ample time to consider the issues. The special budget hearing meetings are duly noticed public meetings that everyone is encouraged to attend, and ample opportunities are provided for the public to speak.

There are two ways in which the Proposed Budget is revised before being adopted:

- The first is that the City Administrator may propose an amendment to the Proposed Budget. Typical reasons for this would be a significant assumption in the budget has changed due to an event, such as legislative changes at the State level, an inadvertent omission of staff during the budget build process, or a development in labor negotiations.
- The second way to revise the budget is if any member of the City Council makes a motion to add, alter, or remove appropriations for a particular program or project. If the motion is seconded by another member of the Council, the motion is voted on at the meeting, or sometimes saved until the scheduled day of budget adoption.

Any council or public requests for additional information during the budget hearings is considered a high priority for staff, and responded to at the meeting or prior to the next scheduled budget hearing.



JUNE



Budget hearings usually extend into early or mid-June. Any Council motions to revise the Proposed Budget are voted on (unless previously voted on), and the budget is scheduled for adoption at a regular Council meeting. There are other documents that are typically considered and adopted along with the annual budget, specifically:

- Benefit Schedule for Unrepresented employees (employees not represented by a bargaining group)
- Master Salary Table (sets compensation levels for all employees, required by State statute)
- Requests to approve service contracts associated with the budget, such as the provision of benefits for employees or service agreements with outside vendors, if applicable.
- Adoption of Memorandums of Understanding (MOU) with labor groups, if applicable.

The City's budget must be adopted by June 30th each year unless a special resolution is passed that extends appropriations into the new fiscal year. Once adopted, the Proposed Budget becomes the Adopted Budget and Administrative Services Department staff enters all new appropriations into the financial system in time for the first day of the new fiscal year (July 1st). The Adopted Budget document is created from the Proposed, posted on the City's website, and distributed to interested parties.





BUDGET AMENDMENT PROCESS (AFTER ADOPTION)

Budget appropriations may be revised at any time during the year by taking a budget amendment resolution to the City Council if dollar thresholds are exceeded. If the budget amendment is small enough in dollar amount, the City Administrator can approve it. The dollar amount limits are established in the resolution for the adoption of the annual budget. The City's annual budget is adopted every May/June, and covers a 12 month fiscal year beginning July 1st and ending June 30th. The City Council authorizes all appropriations, which is essentially the legal authority to spend public tax or rate dollars for a specific purpose. All appropriations lapse at June 30th every fiscal year, and must be reauthorized by the City Council if still needed for the purpose in which they were initially approved. From time to time, it becomes necessary to recognize new revenue and request new appropriations that were not included in the Adopted Budget. The process to amend the budget starts with a staff request to the City Administrator, and a staff report to the City Council justifying the request. All budget amendments are reviewed by the Finance Department for their financial assumptions and technical accuracy. Typical budget amendments include:

- Receipt of a grant for a new project or program, such as a State grant to improve a City park.
- The progress/timing of a capital project has changed since the estimates developed in the budget.
- The City is facing a significant unfunded need, such as emergency facility repairs.
- An existing program or service to the community will be expanded with additional grant revenue, such as an after school program.



REPORT TO THE CITY COUNCIL

Council Meeting of February 23, 2016

Agenda Section:	<u>New Business</u>
SUBJECT:	Consideration of a Resolution in Support of Locating the California High Speed Rail Heavy Maintenance Facility in Madera County
Prepared By:	<u>Joann McClendon, City Clerk</u>
Authorized By:	<u>Brian Haddix, City Administrator</u>
Approved By:	<u>Brian Haddix, City Administrator</u>

RECOMMENDATION:

Staff recommends that the City Council consider the adoption of the resolution presented in support of locating the High Speed Rail Heavy Maintenance Facility in Madera County.

HISTORY / BACKGROUND:

Staff is presenting a resolution stating its support of locating the California High Speed Rail Heavy Maintenance Facility in Madera County. The Madera County Board of Supervisors recently adopted a similar resolution, as did the City of Madera. The City Council of Chowchilla now wishes to join the County of Madera and City of Madera in its efforts to promote Madera County as a viable location for consideration of a heavy maintenance facility within the County.

FINANCIAL IMPACT:

There is no impact for this specific action.

ATTACHMENTS:

Resolution

COUNCIL RESOLUTION # -16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA,
IN SUPPORT OF LOCATING THE CALIFORNIA HIGH SPEED RAIL HEAVY
MAINTENANCE FACILITY IN MADERA COUNTY**

WHEREAS, the City of Chowchilla joins the County of Madera and the City of Madera in support of locating the California High Speed Rail Maintenance Facility in Madera County; and,

WHEREAS, the County of Madera is in the center of the State and represents the backbone of the California High Speed Rail project, bearing the placement of the wye and the most track miles of any county in the initial operating segment; and,

WHEREAS, the stated policy goal of the California High Speed Rail Authority (CHSRA) is to provide benefit to those communities who are accommodating the system and Madera County is the only County who has yet to be designated any facility in the system; and,

WHEREAS, locating the Heavy Maintenance Facility (HMF) in Madera County would serve as a much needed stimulus to the struggling local economy and create an estimated 20,000 jobs for the next five years, create approximately 1,500 permanent jobs when the facility is completed, generate additional property taxes for the County, and would provide the most measurable economic benefit to offset the loss of important agricultural land and employment opportunities; and,

WHEREAS, a HMF placed in Madera County would serve the labor markets of the largest labor forces in the San Joaquin Valley including Fresno, Madera, Merced, and Stanislaus Counties, making Madera County the only regional site under consideration and providing the CHSRA with the largest number of local employees to staff the HMF.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chowchilla hereby finds and determines the following:

1. The City Council of the City of Chowchilla joins Madera County and the City of Madera in support of the location of the HMF for the California High Speed Rail System within the County of Madera.
2. The City Council of the City of Chowchilla respectfully request the CHSRA mandate that a site in Madera County, whether existing or an alternative, that meets the criteria as described in the technical memoranda developed by the CHSRA, meets the delivery schedule, and is cost competitive, be given priority and placed in Madera County.
3. The City Council directs that a copy of this resolution shall be forwarded to the CHSRA for consideration when evaluating the alternatives for the HMF.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 23rd day of February, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Waseem Ahmed, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk